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**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON**

JOY SUITER,)	Case No. CV-10-3108-EFS
)	
Plaintiff,)	COMPLAINT FOR VIOLATION
)	OF FEDERAL FAIR DEBT
vs.)	COLLECTION PRACTICES ACT
)	
J. A. CAMBECE LAW OFFICE, PC,)	
)	
Defendant.)	
)	

NATURE OF ACTION

1. This is an action brought under the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692 *et seq.*

JURISDICTION AND VENUE

2. This Court has jurisdiction under 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1331.

3. Venue is proper before this Court pursuant to 28 U.S.C. §1391(b),

COMPLAINT FOR VIOLATIONS OF THE FAIR
DEBT COLLECTION PRACTICES ACT-1

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1 where the acts and transactions giving rise to Plaintiff's action occurred in this
2 district, (where Plaintiff resides in this district), and/or where Defendant transacts
3 business in this district.
4

5 **PARTIES**

6
7 4. Plaintiff, Joy Suiter ("Plaintiff"), is a natural person who at all
8 relevant times resided in the State of Washington, County of Yakima, and City of
9 Yakima.
10

11 5. Plaintiff is a "consumer" as defined by 15 U.S.C. § 1692a(3).

12 6. Defendant, J. A. Cambece Law Office, PC ("Defendant") is an entity
13 who at all relevant times was engaged, by use of the mails and telephone, in the
14 business of attempting to collect a "debt" from Plaintiff, as defined by 15 U.S.C.
15 §1692a(5).
16
17

18 7. Defendant is a "debt collector" as defined by 15 U.S.C. § 1692a(6).
19

20 **FACTUAL ALLEGATIONS**

21 8. Plaintiff is a natural person obligated, or allegedly obligated, to pay a
22 debt owed or due, or asserted to be owed or due a creditor other than Defendant.
23

24 9. Plaintiff's obligation, or alleged obligation, owed or due, or asserted
25 to be owed or due a creditor other than Defendant, arises from a transaction in
26 which the money, property, insurance, or services that are the subject of the
27

1 transaction were incurred primarily for personal, family, or household purposes.
2 Plaintiff incurred the obligation, or alleged obligation, owed or due, or asserted to
3 be owed or due a creditor other than Defendant.
4

5 10. Defendant uses instrumentalities of interstate commerce or the mails
6 in a business the principal purpose of which is the collection of any debts, and/or
7 regularly collects or attempts to collect, directly or indirectly, debts owed or due,
8 or asserted to be owed or due another.
9
10

11 11. Defendant failed to provide Plaintiff with the notices required by 15
12 USC § 1692g, either in the initial communication with Plaintiff, or in writing
13 within 5 days thereof.
14

15 12. Plaintiff has never received anything in writing from the Defendant.
16

17 13. Moreover, Defendant did not verbally notify Plaintiff of her right to
18 dispute the debt and other rights pursuant to 1692g in their first communication or
19 within 5 days thereafter. (§ 1692g(a)).
20

21 14. Defendant overshadowed the disclosures required by 15 USC §
22 1692g(a) during the thirty-day dispute period, including demanding immediate
23 payment of the debt in the initial communication with Plaintiff without also
24 notifying Plaintiff of her right to dispute the debt.
25

26 15. During the initial communication/phone call between Plaintiff and
27

1 Defendant, Defendant demanded immediate payment of the debt and repeatedly
2 stated to Plaintiff “what are we going to do today to take care of this debt?” (§
3 1692g(b)).
4

5 16. Defendant failed to notify Plaintiff during each collection contact
6 that the communication was from a debt collector.
7

8 17. On at least one occasion, defendant left the following message on
9 Plaintiff’s voice mail: “This phone call is for Joy Suiter, this is Robert Kimberg
10 from the Cambece Law Firm, please call me back at 1-866-261-4935. If this is
11 not Joy Suiter, please disregard this call.”
12

13 18. At no time during this message did Defendant disclose the fact that
14 the communication was from a debt collector. (§ 1692e(11)).
15

16 19. Defendant’s actions constitute conduct highly offensive to a
17 reasonable person.
18

19 **COUNT I**
20

21 20. Plaintiff repeats and re-alleges each and every allegation contained
22 above.
23

24 21. Defendant violated the FDCPA as detailed above.

25 WHEREFORE, Plaintiff prays for relief and judgment, as follows:
26

27 a) Adjudging that Defendant violated the FDCPA;

- 1 b) Awarding Plaintiff statutory damages, pursuant to 15 U.S.C. §1692k,
2 in the amount of \$1,000.00;
3
4 c) Awarding Plaintiff actual damages, pursuant to 15 U.S.C. §1692k;
5
6 d) Awarding Plaintiff reasonable attorneys' fees and costs incurred in
7 this action;
8
9 e) Awarding Plaintiff any pre-judgment and post-judgment interest as
10 may be allowed under the law;
11
12 f) Awarding such other and further relief as the Court may deem just
13 and proper.

14 **TRIAL BY JURY**

15 Plaintiff is entitled to and hereby demands a trial by jury.

16
17 Respectfully submitted this 15th day of November, 2010.

18
19
20 s/Jon N. Robbins
21 Jon N. Robbins
22 WEISBERG & MEYERS, LLC
23 Attorney for Plaintiff
24
25
26
27